

UNITED STATES OF AMERICA)
)
v.) Case No. 1:15-cr-16-HSM-SKL
)
BRENDON MURPHY)

Magistrate Judge Susan K. Lee filed a report and recommendation recommending the Court:

(1) grant Defendant's motion to withdraw his not guilty plea to Counts One and Seven of the seven-count Indictment (2) accept Defendant's plea of guilty to the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) and Count Seven; (3) adjudicate Defendant guilty of the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) and Count Seven; (4) defer a decision on whether to accept the revised plea agreement until sentencing; and (5) find Defendant shall remain in custody until sentencing in this matter [Doc. 165]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with the magistrate judge's report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the magistrate judge's report and recommendation [Doc. 165] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

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- (2) Defendant's plea of guilty to the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) and Count Seven is **ACCEPTED**;
- (3) Defendant is hereby **ADJUDGED** guilty of the lesser offense of the charge in Count One of the Indictment, that is of conspiracy to distribute a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(C) and Count Seven;
- (4) A decision on whether to accept the revised plea agreement is **DEFERRED** until sentencing; and
- (5) Defendant **SHALL REMAIN** in custody until sentencing in this matter which is scheduled to take place on **March 21, 2016 at 9:00 a.m. [EASTERN]** before the Honorable Harry S. Mattice, Jr.

SO ORDERED.

ENTER:

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE